

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESEE**

**THEODORE I. JONES aka
TED I. JONES,**

Plaintiff,

Case No. 2:20-cv-2683

v.

PHOENIX FINANCIAL SERVICES, LLC

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Phoenix Financial Services, LLC (“Defendant”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, *et seq.*, hereby removes this action from the Court of General Sessions, Shelby County, Tennessee to the United States District Court for the Western District of Tennessee. In support of this Notice of Removal, Defendant states as follows:

1. On or about August 10, 2020, Plaintiff, Theodore I. Jones aka Ted I. Jones (“Plaintiff”), commenced a civil action in the Court of General Sessions, Shelby County, Tennessee, entitled and captioned *Theodore I. Jones aka Ted I. Jones v. Phoenix Financial Services, LLC*, Case No. 2057602 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, Plaintiff alleges statutory causes of action against Defendant under the Fair Debt Collection Practices Act, (FDCPA), 15 U.S.C. § 1692, *et seq.* and the Fair Credit Reporting Act, (“FCRA”), 15 U.S.C. 1681, *et seq.* A true and correct copy of Plaintiff’s Complaint, together with all process and orders, is attached hereto as Exhibit “A.” Therefore, this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because Plaintiff’s Complaint alleges a cause of action arising under the laws of the United States. Because Plaintiff affirmatively alleges violations of the FDCPA and the FCRA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

3. On August 18, 2020, Defendant was served with a copy of the Summons and Complaint.

4. The time within which Defendant is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which Defendant was served with Plaintiff’s Complaint. *See* 28 U.S.C. § 1446.

5. The Court of General Sessions, Shelby County, Tennessee, is located within the United States District Court for the Western District of Tennessee. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Tennessee embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

6. Written notice of this Notice of Removal of this action is being immediately provided to the Court of General Sessions, Shelby County, Tennessee. *See* Exhibit “B”

attached hereto.

7. Written notice of this Notice of Removal of this action is being caused to be served on the Plaintiff.

WHEREFORE, Defendant, Phoenix Financial Services, LLC, gives notice that this action is removed from the Court of General Sessions, Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee.

Dated: September 11, 2020

Respectfully Submitted,

GLASSMAN, WYATT, TUTTLE & COX, P.C.

s/ Robert A. Cox
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Attorney for Defendant,
Phoenix Financial Services, LLC
Our File No.: 20-11230

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020 a copy of the foregoing was served on all counsel and parties of record electronically via CM/ECF and U.S. Mail.

Ted I. Jones, Esq.
Jones & Garrett
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Memphis, TN 38112

s/ Robert A. Cox
ROBERT A. COX, Esquire